

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CONCEPCION B. RUIZ,
Plaintiff,

V.

MINH TRUCKING, LLC AND NGUYEN
LY NGOC,
Defendants.

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Civil Action No. 5:19-cv-001191

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COME NOW Defendants MINH TRUCKING, LLC and NGUYEN LY NGOC and file their Notice of Removal, and hereby remove to this Court the state court action described below.

I.
PROCEDURAL HISTORY

1. Plaintiffs filed suit in Cause No. 2019CI17749, in the 224th Judicial District Court of Bexar County, Texas on August 28, 2019. Defendant NGUYEN LY NGOC was served on or about September 5, 2019, pursuant to Section 17.062, Texas Civil Practice and Remedies Code, and filed a timely answer on October 4, 2019. Defendant MINH TRUCKING, LLC was served by on September 9, 2019 and filed a timely answer on September 27, 2019.

2. Less than thirty days have passed since Defendants receipt of Plaintiffs' Original Petition.

3. Defendants have therefore filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

II.
NATURE OF THE SUIT

4. Plaintiff alleges that on or about March 10, 2019, he sustained personal injuries and damages as a result of a motor vehicle accident that occurred in Bexar County, Texas.

5. According to Plaintiff's Original Petition, Plaintiff is a citizen and resident of Bexar County, Texas. *See* Plaintiff's Original Petition and Request for Disclosure, paragraph 2.1.

6. At the time of the subject accident and currently, Defendant NGUYEN LY NGOC is a citizen and resident of Westminster (Orange County), California. *See* Plaintiff's Original Petition and Request for Disclosure, paragraph 3.2.

7. At the time of the subject accident and currently, Defendant MINH TRUCKING, LLC is a foreign corporation (i.e., organized under the laws of the State of California) with its principal place of business in the State of California. *See* Plaintiff's Original Petition and Request for Disclosure, paragraph 3.1.

III.
BASIS FOR REMOVAL

8. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants, as stated above.

9. As set forth in Plaintiff's Original Petition, the amount in controversy exceeds \$200,000, exclusive of interests, costs, and attorneys' fees. *See* Plaintiff's Original Petition and Request for Disclosure, paragraph 5.2.

IV.
VENUE AND JURISDICTION

10. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

11. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. §1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$200,000, exclusive of interest and costs: Plaintiff's Petition states that Plaintiff seeks monetary relief of which is "over \$200,000 but not more than \$1,000,000." *See* Plaintiffs' Original Petition and Request for Disclosure, paragraph 5.2.

V.
DEFENDANTS' NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT

12. Defendants MINH TRUCKING, LLC and NGUYEN LY NGOC have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (*See* Exhibit B, Index of Matters Being Filed.)

VI.
JURY DEMAND

13. Plaintiff made a demand for a jury trial in State District Court. Defendants MINH TRUCKING, LLC and NGUYEN LY NGOC also made a demand for a jury trial in State District Court.

VII.
NOTICE TO STATE COURT

14. Defendants MINH TRUCKING, LLC and NGUYEN LY NGOC will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

CASTAGNA SCOTT, L.L.P.
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512/329-3290
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By: /s/ Lynn S. Castagna
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/EMF system which will send notification of such filing and has been sent via facsimile to the following:

Raymond Zapata
ZAPATA & KALE, LLP
219 N. Alamo St 300
San Antonio, Texas 78205

in accordance with the Federal Rules of Civil Procedure, on this 4th day of October, 2019.

/s/ Lynn S. Castagna
Lynn S. Castagna